

Judge Bryan

Presented to the Court by the foreman of the  
Grand Jury in open Court, in the presence of  
the Grand Jury and FILED in the U.S.  
DISTRICT COURT at Seattle, Washington.

JUNE 18 2015  
WILLIAM M. McCOOL, Clerk  
By [Signature] Deputy

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JESUS ENRIQUE PALOMERA,  
Defendant.

NO. CR14-5394RJB

SUPERSEDING INDICTMENT

The Grand Jury charges that:

**COUNT 1**

**(Continuing Criminal Enterprise)**

Beginning at a time unknown, but within the past five years, and continuing until  
the present, in Pierce County, within the Western District of Washington, and elsewhere,  
the defendant, JESUS ENRIQUE PALOMERA, together with others known and  
unknown, did unlawfully, knowingly and intentionally engage in a continuing criminal  
enterprise, in that the defendant JESUS ENRIQUE PALOMERA, unlawfully, knowingly  
and intentionally committed violations of Title 21, United States Code, Sections  
841(a)(1), 841(b)(1), 843, and 846, which violations include, but are not limited to,

Violations 1 through 5 set forth below and the substantive violations alleged in Counts 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, which Counts are realleged and incorporated herein by reference as though fully set forth in this Count, and which violations were part of a continuing series of violations of the Controlled Substances Act, Title 21, United States Code, Section 801, *et seq.*, undertaken by the defendant JESUS ENRIQUE PALOMERA, in concert with five or more other persons with respect to whom the defendant JESUS ENRIQUE PALOMERA, occupied a position of organizer, supervisor, and any position of management, and from which continuing series of violations the defendant JESUS ENRIQUE PALOMERA, obtained substantial income and resources. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), included Violations 1 through 5 set forth below and the substantive violations alleged in Counts 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17:

**Violation 1**

**(Distribution of Methamphetamine)**

On or about February 28, 2014, in Pierce County, within the Western District of Washington, and elsewhere, JESUS ENRIQUE PALOMERA, together with one or more persons known and unknown, did knowingly and intentionally distribute, and aid and abet the distribution of, methamphetamine, a controlled substance, in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Section 841(a)(1).

**Violation 2**

**(Possession of Methamphetamine with Intent to Distribute)**

On or about June 7, 2014, in Siskiyou County, California, and elsewhere, JESUS ENRIQUE PALOMERA, together with one or more persons known and unknown, did knowingly and intentionally possess, and did aid and abet the possession of, with the intent to distribute, methamphetamine, a controlled substance, in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Section 841(a)(1).

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1 **COUNT 2**

2 **(Conspiracy to Distribute Methamphetamine)**

3 Beginning at a time unknown, but within the past five years, and continuing until  
4 on or about February of 2012, in Tacoma, within the Western District of Washington, and  
5 elsewhere, the defendant, JESUS ENRIQUE PALOMERA, and others known and  
6 unknown, did knowingly and intentionally conspire to distribute methamphetamine, a  
7 controlled substance, contrary to the provisions of Title 21, United States Code, Section  
8 841(a)(1).

9 JESUS ENRIQUE-PALOMERA's conduct as a member of the narcotics  
10 conspiracy charged in Count 2, which includes the reasonably foreseeable conduct of  
11 other members of the narcotics conspiracy charged in Count 2, involved fifty grams or  
12 more of methamphetamine, in violation of Title 21, United States Code, Section  
13 841(b)(1)(A).

14 All in violation of Title 21, United States Code, Section 846.

15  
16 **COUNT 3**

17 **(Conspiracy to Distribute Methamphetamine)**

18 Beginning at a time unknown, but within the past five years, and continuing until  
19 the present, in Tacoma, within the Western District of Washington, and elsewhere, the  
20 defendant, JESUS ENRIQUE PALOMERA, and others known and unknown, did  
21 knowingly and intentionally conspire to distribute methamphetamine, a controlled  
22 substance, contrary to the provisions of Title 21, United States Code, Section 841(a)(1).

23 JESUS ENRIQUE-PALOMERA's conduct as a member of the narcotics  
24 conspiracy charged in Count 3, which includes the reasonably foreseeable conduct of  
25 other members of the narcotics conspiracy charged in Count 3, involved five hundred  
26 grams or more of a mixture or substance containing methamphetamine, and fifty grams or  
27

1 more of methamphetamine, in violation of Title 21, United States Code, Section  
2 841(b)(1)(A).

3 All in violation of Title 21, United States Code, Section 846.

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5 **COUNT 4**  
6 **(Illegal Alien in Possession of a Firearm)**

7 On or about November 16, 2011, in Pierce County, within the Western District of  
8 Washington, and elsewhere, the defendant, JESUS ENRIQUE PALOMERA, then being  
9 an alien illegally and unlawfully in the United States, did knowingly possess, in and  
10 affecting interstate and foreign commerce, a firearm, to wit, a PWA, 5.56 caliber, model  
11 Commando, assault rifle, which had been shipped and transported in interstate and/or  
12 foreign commerce.

13 All in violation of Title 18, United States Code, Section 922(g)(5)(A).

14 **COUNT 5**  
15 **(Possession of Methamphetamine with Intent to Distribute)**

16 On or about February 22, 2012, in Pierce County, within the Western District of  
17 Washington, and elsewhere, the defendant, JESUS ENRIQUE PALOMERA, did  
18 knowingly and intentionally possess, and did aid and abet the possession of, with the  
19 intent to distribute, methamphetamine, a controlled substance.

20 The Grand Jury further alleges that the offense involved 50 grams or more  
21 methamphetamine, in violation of Title 21, United States Code, Section 841(b)(1)(A).

22 The Grand Jury further alleges that the offense and acts alleged here in Count 5  
23 were committed during and in furtherance of the conspiracy charged in Count 2, above.

24 All in violation of Title 18, United States Code, Section 2, and Title 21, United  
25 States Code, Sections 841(a)(1) and (b)(1)(A).

**COUNTS 6 – 17**  
**(Illegal Use of a Communication Facility)**

On or about the dates listed in the below chart, in Pierce County, within the Western District of Washington, and elsewhere, the defendant, JESUS ENRIQUE PALOMERA, did knowingly and intentionally use and aid and abet the use of the following communication facilities, to facilitate the commission of acts constituting a felony under Title 21, United States Code, Sections 841(a) and 846, that is, Conspiracy to Distribute Methamphetamine, as set forth in Count 3 above and incorporated by reference herein.

The Grand Jury further alleges that the offense and acts alleged in Counts 6-17 were committed during and in furtherance of the conspiracy charged in Count 3, above.

Count	Date	Communication Facility	Parties to Communication
6	February 28, 2014	Digital Device and Internet (using Facebook)	JESUS ENRIQUE PALOMERA and Individual 1
7	April 15, 2014	Digital Device and Internet (using Facebook)	JESUS ENRIQUE PALOMERA and Individual 2
8	May 5, 2014	Digital Device and Internet (using Facebook)	JESUS ENRIQUE PALOMERA and Individual 3
9	August 4, 2014	Digital Device and Electronic messaging program	JESUS ENRIQUE PALOMERA and Individual 4
10	August 4, 2014	Digital Device and Electronic Messaging	JESUS ENRIQUE PALOMERA and Individual 4

		Program	
11	August 6, 2014	Digital Device and Electronic Messaging Program	JESUS ENRIQUE PALOMERA and Individual 4
12	August 6, 2014	Digital Device and Electronic Messaging Program	JESUS ENRIQUE PALOMERA and Individual 4
13	August 7, 2014	Telephone	Individual 4 and Individual 5
14	August 7, 2014	Digital Device and Electronic Messaging Program	JESUS ENRIQUE PALOMERA and Individual 4
15	August 7, 2014	Digital Device and Electronic Messaging Program	JESUS ENRIQUE PALOMERA and Individual 4
16	February 25, 2014	Digital Device and Electronic Messaging Program	JESUS ENRIQUE PALOMERA and Individual 1
17	February 28, 2014	Digital Device and Electronic Messaging Program	JESUS ENRIQUE PALOMERA and Individual 1

All in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Section 843(b).

### **FORFEITURE ALLEGATIONS**

Pursuant to Title 21, United States Code, Section 853, upon conviction of any of the drug offenses charged in Counts 1 through 3 and 5 through 17 above, the defendant JESUS ENRIQUE PALOMERA shall forfeit to the United States any and all property, real or personal, constituting, or derived from, any proceeds the defendant obtained,

1 directly or indirectly, as the result of said criminal offenses, and shall further forfeit and  
2 any and all property, real or personal, used, or intended to be used, in any manner or part,  
3 to commit, or to facilitate the commission of such criminal offenses.

4 Upon conviction of the offense alleged in Count 4 of this Superseding Indictment,  
5 the defendant JESUS ENRIQUE PALOMERA shall forfeit to the United States, pursuant  
6 to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section  
7 2461(c), any firearms and ammunition involved in the commission of the offense,  
8 including, but not limited to: a PWA, 5.56 caliber, model Commando, assault rifle.

9 **SUBSTITUTE ASSETS**

10 If any of the above described forfeitable property, as a result of any act or  
11 omission of the defendant:

- 12 a. cannot be located upon the exercise of due diligence;
- 13 b. has been transferred or sold to, or deposited with, a third party;
- 14 c. has been placed beyond the jurisdiction of the Court;
- 15 d. has been substantially diminished in value; or
- 16 e. has been commingled with other property which cannot be subdivided  
17 without difficulty;

18 it is the intent of the United States, pursuant to Title 21, United States Code, Section  
19 853(p), to seek the forfeiture of any other property of the Defendant up to the value of the

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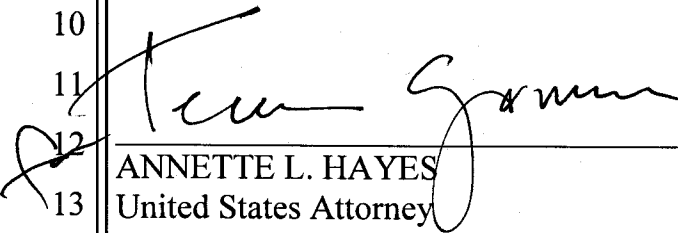
1 above described forfeitable properties.


3 A TRUE BILL:

5 DATED: 2-18-2015

6 *Signature of Foreperson redacted pursuant to*  
7 *the policy of the Judicial Conference of the*  
8 *United States*

9 FOREPERSON

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11   
12 ANNETTE L. HAYES  
13 United States Attorney

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16 MICHAEL DION  
17 Assistant United States Attorney

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20 AMY JAQUETTE  
21 Assistant United States Attorney